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ARTZ & ARTZ P.C.

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U.S.S.N. 09/174,804

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PENDING LITIGATION

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CIVIL COVER SHEET

COUNTY IN WHICH THIS ACTION AROSE: _____

IS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required w, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required to use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. PLAINTIFFS

rior Lacrosse, Inc., a Michigan corporation

County of Residence of First Listed: Macomb**DEFENDANTS** **02-70193**

J. deBeer & Son, Inc., a Tennessee corporation

County of Residence of First Listed: _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

II. Attorneys (Name, Address and Telephone Number)

John A. Artz 28333 Telegraph Road
John S. Artz Suite 250
Robert R. Renke Southfield, MI 48034
(248) 223-9500

Attorneys (If Known)**GEORGE WOODS****BASIS OF JURISDICTION** (Place an "X" in One Box Only)

U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State ☐ PLA ☐ DEF Incorporated or Principal of Business in This State ☐ PLA ☐ DEF
Citizen of Another ☐ 2 ☐ 2 Incorporated and Principal of Business in Another State ☐ 5 ☒
Citizen or Subject of Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐

NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
10 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
20 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
30 Miller Act	<input type="checkbox"/> 320 Assault, Libel And Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
40 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC
50 Recovery of Overpayment and Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
51 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations
52 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 510 Selective Service
53 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 680 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 550 Securities/Commodities/Exchange
60 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 575 Customer Challenge 12 USC 3410
90 Other Contract	<input type="checkbox"/> 365 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DWC/DIWW (406(g))	<input type="checkbox"/> 581 Agricultural Acts
95 Contract Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 582 Economic Stabilization Act
	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (406(g))	<input type="checkbox"/> 583 Environmental Matters
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 584 Energy Allocation Act
	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 585 Freedom of Information Act
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 760 Other Labor Litigation	<input type="checkbox"/> 871 IRS-Third Party 28 USC 7609	<input type="checkbox"/> 586 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 587 Constitutional of State Statutes
	PRISONER PETITIONS			<input type="checkbox"/> 588 Other Statutory Actions
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			

ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. Sec. 271(a)-(c) Patent Infringement

REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☒ DEMAND

 CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No
1. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

SIGNATURE OF ATTORNEY OF RECORD

Received from <248 223 9522> at 4/19/02 3:56:41 PM [Eastern Daylight Time]

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

02 - 70193

WARRIOR LACROSSE, INC., a
Michigan Corporation,

Plaintiff,

Civil Action No.
Hon.

GEORGE WOODS

v.

J. deBEER & SON, INC., a Tennessee
Corporation,

Defendant.

JOHN A. ARTZ (P 24679)
JOHN S. ARTZ (P 48578)
ROBERT P. RENKE (P 59030)
Artz & Artz P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Attorneys for Plaintiff

COMPLAINT AND DEMAND FOR JURY TRIAL

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Plaintiff, **WARRIOR LACROSSE, INC.**, hereby complains, through its counsel, **ARTZ & ARTZ, P.C.** of Defendant, **J. deBEER & SON, INC.**, as follows:

THE PARTIES

A. THE PLAINTIFF

1. Warrior Lacrosse, Inc. ("Warrior"), is a corporation organized and existing under the laws of the State of Michigan, having a principal place of business at 31430 Mound Road, Warren, Michigan 48092 and is doing business in this district.

2. Warrior is the owner of United States Patent No. 5,568,925 (the "'925 Patent-In-Suit"), which issued on October 29, 1996 for an invention entitled "Scooped Lacrosse Head" (copy attached as Exhibit A).

B. THE DEFENDANT

3. J. deBeer & Son, Inc. ("deBeer"), is a corporation organized and existing under the laws of the State of Tennessee and has a principal place of business at 2102 N. Jackson Street, Tullahoma, Tennessee 37388-8104 and is doing business in this district.

4. deBeer manufactures and sells lacrosse sticks or heads for use in the game of lacrosse under the trade designation "Apex."

JURISDICTION

5. This is a civil action arising under 35 U.S.C. § 102 et. seq. for patent infringement.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338

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because this is a civil action for patent infringement and arises under the patent laws of the United States.

7. Venue is proper in this district because deBeer resides within this district as provided in 28 U.S.C. §§ 1391(c) and 1400(b).

COUNT I - PATENT INFRINGEMENT

8. Warrior hereby realleges the allegations contained in paragraphs 1 through 7 of the Complaint as though fully set forth herein.

9. This action arises under the United States Patent Laws, Title 35, United States Code.

10. In violation of 35 U.S.C. § 271(a)-(c), deBeer directly infringes the '925 Patent-In-Suit and actively induces infringement thereof by others through the manufacture, use, offer to sell and sale of the "Apex" lacrosse head.

11. deBeer's infringement of the '925 Patent-In-Suit is willful.

12. Unless enjoined, deBeer will continue its unlawful and willful infringement of the '925 Patent-In-Suit.

RELIEF REQUESTED

WHEREFORE, Plaintiff, Warrior Lacrosse, Inc., demands judgment as follows:

A. That this Court preliminarily and permanently enjoin deBeer from further infringement of U.S. Patent No. 5,568,925;

B. That this Court find that deBeer and those in privilege therewith have infringed U.S. Patent No. 5,568,925;

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C. That this Court award Warrior its costs, expenses and such other relief as is deemed just and equitable;

D. That this Court award Warrior compensatory damages and prejudgment interest thereof for deBeer's infringing acts;

E. That this Court treble such award of damages pursuant to 35 U.S.C. § 284;

F. That this Court declare this case exception pursuant to 35 U.S.C. § 285 and award Warrior its reasonable attorneys fees;

G. That this Court award Warrior its costs and expenses and such other relief as is deemed just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

ARTZ & ARTZ P.C.

By: 

John A. Artz (P 24679)
John S. Artz (P 48578)
Robert P. Renke (P 59030)
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Dated: January 16, 2002

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